

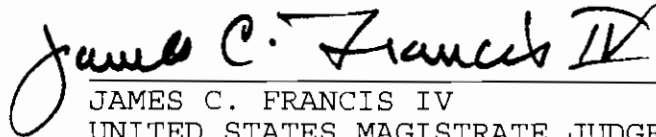
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In Re: Methyl Tertiary Butyl Ether : Master File C.A. No.
("MTBE") Products Liability : 00 Civ. 1898 (SAS)
Litigation : MDL 1358
-----:

This document pertains to: :
City of New York v. Amerada Hess, :
et al., :
No. 04 Civ. 3417 :
-----:

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

The Court issued an order dated July 22, 2009, a copy of which is attached. That order erroneously refers to "designated portions of the deposition of Robert F. Staab." It is hereby deemed corrected to read: "designated portions of the deposition of Norman Novick.

SO ORDERED.

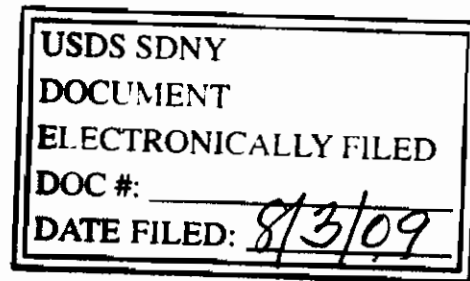

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
August 3, 2009

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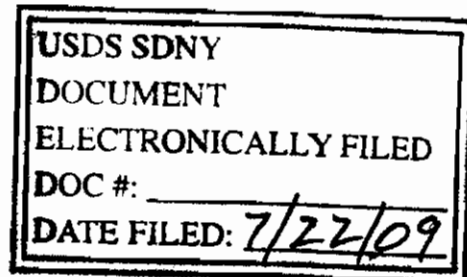
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UNITED STATES MAGISTRATE JUDGE



The Court having reviewed the objections to designated portions of the deposition of Robert F. Staab, the objections are determined as follows:

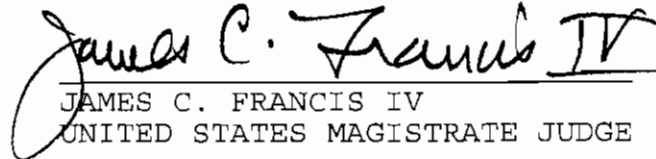
<u>Tab</u>	<u>Pages/Lines</u>	<u>Ruling</u>
1	56:09 57:01	Overruled; defense counsel stipulated that the exhibit was a business record, <u>see</u> 55:05-55:14.
2	61:13-20 61:21-24	Overruled as to 60:23-60:24, <u>see</u> ruling for Tab 1; otherwise sustained as the witness denies personal knowledge.
3	63:09-63:17 63:18-64:01	Overruled; <u>see</u> ruling for Tab 1. Sustained; the witness denies personal knowledge.
4	71:21-72:10	Overruled; <u>see</u> ruling for Tab 1; the witness is qualified to give opinion testimony.
5	75:11-75:19	Overruled; the information is within the knowledge of this 30(b)(6) witness.
6	77:11-77:15	Overruled; in context, this inquiry is sufficiently specific.
7	78:22-79:12 79:13-79:23	Overruled; information about the defendant's retention of data about MTBE is relevant; the witness indicates sufficient personal knowledge.

8	82:02-82:11	Overruled; <u>see</u> ruling for Tab 5.
9	91:19-92:07 92:08-92:18	Sustained; the witness denies personal knowledge.
10	93:08-94:01	Overruled; <u>see</u> ruling for Tab 5.
11	116:08-116:11	Sustained; speculation.
12	120:21-121:04	Sustained; speculation.
13	122:18-123:25	Overruled; <u>see</u> ruling for Tab 4.
14	124:01-124:25	Overruled; <u>see</u> ruling for Tab 4.
15	125:01-125:09	Overruled; authentication is not an issue because the witness is testifying concerning his own knowledge.
16	127:15-129:21	Overruled; <u>see</u> ruling for Tab 4; no hearsay is being offered for the truth of the matter.
17	130:25-131:19	Overruled; <u>see</u> ruling for Tab 4.
18	143:04-143:14	Overruled; the witness identifies the exhibit and offers a knowledgeable explanation of its context.
19	147:04-147:14	Overruled; the witness clarifies his earlier testimony.
20	165:12-165:20	Sustained; the witness denies knowledge; speculation.
21	174:13-174:20	Overruled; the witness was an author of the document referenced, <u>see</u> 175:14-175:19.
22	177:05-177:23	Overruled; <u>see</u> ruling for Tab 19.
23	178:09-178:17	Overruled; the testimony is sufficiently clear in the context of previous testimony.

24 184:13-184:25

Overruled, subject to connection, i.e., if there is evidence that Mobil used MTBE as an octane enhancer in the late 1980s.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
July 22, 2009

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